

Bureau of Prisons Rule 328 to receive anything of value from any other person without staff authorization. The magistrate judge addressed this part of Rule 328, stating, “. . . the DHO incident report clearly indicates that in addition to the petitioner receiving money from another inmate in violation of Rule 328, the evidence indicated that petitioner solicited the services with a financial obligation which also violates the BOP policy.” (Doc. 18, p. 8.)

The DHO incident report shows that at the disciplinary hearing evidence was produced that Petitioner wrote to Inmate Lopez stating, “I expect the balance to be sent to me within two weeks.” This letter was dated April 11, 2011. A money deposit report dated April 21, 2011, indicated Petitioner received \$50.00 from a person named Marquez who has the same home address as Inmate Lopez. (Doc. 15, Ex. E.) The receipt of money from Marquez is covered by that portion of Rule 328 which states, “anything of value from . . . or any other person without staff authorization.” Based on the evidence presented, Petitioner was properly found guilty of violating Rule 328.

The report and recommendation of the magistrate judge will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: April 19, 2012.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA CONVERSE,	:	CIVIL NO. 1:CV-11-2032
	:	
Petitioner	:	(Judge Rambo)
	:	
v.	:	(Magistrate Judge Mannion)
	:	
WARDEN EBBERT,	:	
	:	
Respondent	:	